

**NOTICE AND AGENDA  
TOWN COUNCIL  
REGULAR MEETING**

Public notice is given that the Town Council of the Town of Apple Valley, Washington County, Utah will hold a **Regular Meeting on Wednesday the 19<sup>th</sup> day of December, 2018** at the **Town Hall Building**, 1777 N. Meadowlark Dr., Apple Valley, Utah, commencing at **6:00 PM** or shortly thereafter. In accordance with state statute, one or more council members may be connected via speakerphone. This meeting will be available for live stream at [www.youtube.com](http://www.youtube.com). Search: Town of Apple Valley Utah.

The Agenda for the meeting is as follows:

Call to Order/ Pledge of Allegiance/ Roll Call

1. Mayor's Town Update
2. Discussion and Action on Ordinance 2018-24 Subdivision Plat Amendment and Lot Line adjustment for parcels AV-1-2-29-310, AV-AVR-3-8, AV-1330-E. Owners Marty and Tish Lisonbee
3. Discussion and Action on Changes to the Town Personnel Policies and Procedures Manual.
4. Discussion and Action on Un-Authorized Journal Entries Performed By Previous Accountant to Closed Books
5. Consider Approval on Reports, Recommendations, and Announcements:
  - Events Committee – Tish Lisonbee/Debbie Kopp
  - Planning Commission – Cynthia Browning/Michael McLaughlin
  - Fire Department – Chief Dave Zolg, Jr
  - Engineering – Rod Mills
  - Big Plains Water and Sewer SSD – Harold Merritt
  - Code Enforcement – Rich Ososki/Paul Edwardsen
  - Roads and Storm Drainage –
  - Mosquito Abatement- Margaret Ososki
  - Council-
  - Other
6. Public Comments
7. Discussion and Action on the Gateway Project – Ensign Engineering
8. Request for a closed session
9. Adjournment

CERTIFICATE OF POSTING I, Michelle Kinney, as duly appointed Recorder for the Town of Apple Valley, hereby certify that copies of the notice of meeting and agenda were posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website, <http://pmn.utah.gov>, the Town website, [www.applevalleyut.gov](http://www.applevalleyut.gov), and faxed to The Spectrum on the 18<sup>th</sup> day of December, 2018.

Dated this 18<sup>th</sup> day of December, 2018  
Michelle Kinney, Recorder  
Town of Apple Valley

**THE PUBLIC IS INVITED AND ENCOURAGED TO ATTEND ALL TOWN COUNCIL AND PLANNING  
COMMISSION MEETINGS**

In compliance with the American with Disabilities Act, individuals needing special accommodations, (including auxiliary communicative aids and services,) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.


**Backup material for agenda item:**

Parcel AV-1-2-29-310 is a land locked parcel next to Marty and Tish Lisonbee's home. Marty and Tish Lisonbee's home is also located on a parcel that does not touch a dedicated road thus making it an illegal building. The Lisonbee's would like to combine three lots into two making each lot legal.



Town of Apple Valley  
1777 N. Meadowlark Drive, Apple Valley, Utah 84737  
Phone: (435) 877-1190 Fax: (435) 877-1192  
www.applevalleyut.gov

### APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION

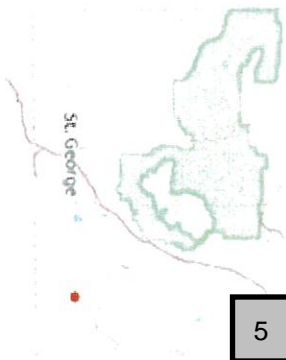
Date of Planning Commission meeting for this agenda item to appear \_\_\_\_\_  
Paperwork returned by Marty Lisonbee (Date) 11-26-18  
Name of Applicant: MARTY LISONBEE  
Site Location: AV-1-2-29-310  
Mailing Address: 1386 N MT ZION DR  
APPLE VALLEY UT 84737  
Phone: 435-680-2629  
Purpose of Request: LOT LINE ADJUSTMENT WITH  
Subdivision Plat amendment  
\_\_\_\_\_  
  
Applicant Signature

1. Annexations: \$1500.00 filing fee
2. Conditional Use Permit: \$300.00 filing fee
3. Zone Changes: \$500.00 + Acreage Fee filing fee
4. Subdivisions: \$1500.00 filing fee
5. Lot Line Adjustment: \$200.00 filing fee
6. Lot Split (2 Lots): \$250.00 filing fee
7. General Plan Amendment: \$500.00 + Acreage Fee filing fee

Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

\_\_\_\_\_  
Planning Commission Chairman / Date

\_\_\_\_\_  
City Administration / Date



- ## Notes

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

I, Ferrel L. Campbell do hereby certify that I am a registered land surveyor, holding certificate No. 153754, as prescribed by the laws of the State of Utah, in accordance with Title 58, Chapter 22 of the Utah Code, Professional Engineers and Professional Land Surveyor's Licensing Act. I further certify that by the authority of the owners and under my direct supervision, a survey of the tracts of land shown and described on this plat are in accordance with Section 17-23-17 of the Utah Code, and all measurements have been verified, and monuments have been placed as represented on this plat.

DATE \_\_\_\_\_

Beginning at a point N 0°05'34"W., along the 1/4 Section Line, 1,479.79 feet, and S 89°55'13"E. 331.5 feet from the South 1/4 Corner of Section 26, Township 42 S., Range 11 W., Section 36, T42S, R11W, passing the base and meridian, and running thence S 89°55'40"E. 320.57 feet, then S 46°02'41"E. 100.00 feet, then S 10°00'00"E. 100.00 feet, then S 38°00'00"E. 100.00 feet, then S 10°00'00"E. 25.00 feet, then S 89°55'13"E. 161.61 feet, then S 10°03'32"E. 369.16 feet; thence S 89°55'13"E. 337.23 feet, then S 10°22'50"E. 366.02 feet to the point of beginning.

Containing 3.31 Acres.

[illegible]

NARRATIVE

THIS SURVEY WAS PERFORMED TO ESTABLISH CORNERS FOR 2 PARCELS OF LAND.

CORNERS SET ARE DEFINED WITH A 1/2" REBAR & PLASTIC CAP

THE BASIS FOR BEARINGS IS N.0°5'34"W. BETWEEN THE SOUTH 1/4 CORNER AND THE NORTH 1/4 CORNER OF SECTION 29, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SLB & M.

LEGEND

- = SECTION COR. OR 1/4 COR.
- = REBAR & CAP SET - LS 153754
- = PROPERTY LINE
- = FENCE LINE

PROJ. NO. S294211(2)
DATE: 11-29-2015
SHEET 1 OF 1

**Rock Canyon Resources, LLC**  
55 South 300 West Ste. 3  
Hurricane, Utah 84737  
Phone: 435-635-4124

Checked: DP

Drawn: FLO

By	Remarks/Revisions
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Date \_\_\_\_\_

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**TOWN OF APPLE VALLEY  
ORDINANCE 2018-24**

**AN ORDINANCE FOR A PLAT AMENDMENT AND LOT LINE ADJUSTMENT FOR PARCELS AV-1-2-29-310, AV-AVR-3-8 AND AV-1330-E. MAKING THESE THREE LOTS INTO TWO.**

**WHEREAS**, the Town of Apple Valley ("Town") has been petitioned for a change in the subdivision plat for the parcels numbered AV-1-2-29-310, AV-AVR-3-8, and AV-1330-E; and

**WHEREAS**, parcel AV-1-2-29-310 was a land locked parcel; and

**WHEREAS**, parcel AV-1330-E needed more frontage to make a legal lot; and

**WHEREAS**, parcel AV-AVR-3-8 has the same owner as AV-1-2-29-310 and AV-1330-E the owner has petitioned the Planning Commission to make these 3 lots into 2 to provide access to the land locked parcel and increase the frontage for parcel AV-1330-E

**WHEREAS**, the Planning Commission has reviewed the petition and has received and reviewed pertinent information in the public hearing held on December 12<sup>th</sup>, 2018 with recommendation that the plat amendment be accepted; and

**WHEREAS**, the Town Council has reviewed the Planning Commission's recommendation and has received and reviewed pertinent information; and

**WHEREAS**, in making these reviews the Town Council finds that the Planning Commission's recommendation on the requested Plat amendment for this property is rationally based and consistent with the Town's General Plan.

**WHEREAS**, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 19<sup>th</sup> day of December, 2018, and upon motion duly made and seconded:

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH**, that

**SECTION I:** The Plat Amendment of Parcels AV-1-2-29-310, AV-AVR-3-8, and AV-1330-E as described in attached Legal Description document is changed from three parcels to two.

**SECTION II:** Update of Official Plat Map. The Official Plat Map shall be amended to reflect the adoption of this ordinance.

**Effective Date:** This amendment shall be effective upon passage, without further publication.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Apple Valley, Utah this 19<sup>th</sup> day of December, 2018.

---

Marty Lisonbee, Mayor



ATTEST:

SEAL:

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Michelle Kinney, Town Recorder

Mayor Marty Lisonbee	Aye ___ Nay ___
Debbie Kopp	Aye ___ Nay ___
Michael McLaughlin	Aye ___ Nay ___
Denny Bass	Aye ___ Nay ___
Paul Edwardsen	Aye ___ Nay ___

#### **LEGAL DESCRIPTION PARCEL AV-1-2-29-310**

Beginning at a point N.0°05'34"W., along the 1/4 Section Line, 1479.79 feet, and S.89°55'40"W. 451.91 feet from the South 1/4 Corner of Section 29, Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence S.89°55'40"W. 320.57 feet; thence S.46°02'41"W. 241.36 feet; thence N.32°00'00"W. 100.00 feet; N.58°00'00"E. 68.38 feet; thence S.32°00'00"E. 25.00 feet; thence N.58°00'00"E. 161.18 feet; thence N.0°03'32"W. 369.16 feet; thence S.89°55'13"E. 337.23 feet; thence S.0°22'50"E. 386.02 feet to the point of beginning.

#### **LEGAL DESCRIPTION PARCEL AV-AVR-3-8**

Beginning at a point N.0°05'34"W., along the 1/4 Section Line, 1100.20 feet from the South 1/4 Corner of Section 29, Township 42 South, Range 11 West, Salt Lake Base and Meridian, and S.89°56'28"W. 791.53 feet; thence S.0°05'10"W. 125.92 feet to the beginning of a 311.52 foot non-tangent radius curve, with radius line bearing S.89°50'10"W.; thence Northwesterly to the left, along the arc of said curve, 173.66 feet, through a central angle of 31°56'26", to the end of said curve; thence N.32°00'00"W. 204.00 feet; thence N.46°02'41"E. 241.36 feet; thence N.89°55'40"E. 320.57 feet; thence N.0°22'50"W. 366.02 feet; thence S.89°55'13"E. 58.31 feet; thence S.0°04'33"E. 381.26 feet; thence N.89°56'28"E. 395.65 feet; thence S.0°05'34"E., along the 1/4 section line, 384.10 feet to the point of beginning.



**Backup material for agenda item:**

Un-Authorized Journal Entries were performed by our accountant charging the Town of Apple Valley fees in favor of Big Plains Water & Sewer Special Service District. These entries were done without the knowledge of Mayor Protemp Paul Edwardson, Mayor Lisonbee or the Town Council. Entries that effect the financial liability of the Town and editing closed books should have been authorized by the Mayor and especially the Town Council.

**Town of Apple Valley**  
**Journal Register - 01/01/2000 to 12/05/2018**

<b>Journal</b>			<b>Debit</b>	<b>Credit</b>
<b>Account No.</b>	<b>Account Name</b>	<b>Entry Description</b>	<b>Amount</b>	<b>Amount</b>
<b>Number:</b> 344				
<b>Date:</b> 06/30/2017				
<b>Description:</b> Accrued Finance Charges Big Plains Water				
10 2981	Unassigned Fund balance	Accrued Finance Charges Big Plains Water	37,131.92	
10 2340	Due To/Big Plains Water Paya	Accrued Finance Charges Big Plains Water		37,131.92
			<u><b>\$37,131.92</b></u>	<u><b>\$37,131.92</b></u>
<b>Number:</b> 345				
<b>Date:</b> 06/30/2018				
<b>Description:</b> Accrued Finance Charges Big Plains Water FY2018				
10 2340	Due To/Big Plains Water Paya	Accrued Finance Charges Big Plains Water FY2018		19,309.88
10 3615	Late charges	Accrued Finance Charges Big Plains Water FY2018	19,309.88	
			<u><b>\$19,309.88</b></u>	<u><b>\$19,309.88</b></u>
			<u><b>\$56,441.80</b></u>	<u><b>\$56,441.80</b></u>

PKId	TypeID	JE Number	Date	Description	Comments	IsTemplate	Userld	Time Stamp	IsVoid	CodeID
440	2	344	6/30/2017	Accrued Finance Charges Big Plains Water		FALSE	5	9/10/18 5:03 PM	FALSE	0
441	2	345	6/30/2018	Accrued Finance Charges Big Plains Water FY2018		FALSE	5	9/10/18 5:05 PM	FALSE	0

UserID	Username
1	Pelorus_Admin
2	Nathan
3	April
4	Marie
5	Jauna
6	Michelle
7	Marty
8	AmandaW26
9	Ben

**Backup material for agenda item:**

Mayor Lisonbee would like to discuss possible changes to the Policy manual as shown in the attachment.

**PERSONNEL POLICIES  
AND PROCEDURES MANUAL  
FOR THE  
TOWN OF APPLE VALLEY**

Approved – ~~May 7, 2015~~ December 19, 2018

**This document supersedes all personnel policies and procedures previously established or approved by the Town of Apple Valley.**

# **PREFACE**

**It is the policy of the Town of Apple Valley to establish reasonable guidelines of conduct for management and employees to follow, and to ensure compliance with these guidelines through a program consistent with the best interests of the Town of Apple Valley and its employees. (The Town of Apple Valley shall heretofore be referred to as Apple Valley)**

**THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY APPLE VALLEY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. The term “At-will” means employees can terminate or be terminated at will. Exceptions are employees having written contracts signed by the Mayor of Apple.**

**It is also the policy of Apple Valley to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age or disability. To this end, Apple Valley will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, or veteran’s status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics.**

**Additionally, it is the policy of Apple Valley to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to Apple Valley by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.**

**Apple Valley reserves the right to change any of its policies and/or procedures at any time in the future for any reason. Therefore, if you have suggestions or comments concerning the content of this manual, please submit them, in writing, to Apple Valley’s Mayor for review. Thank you.**

## INTRODUCTION

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Welcome,

Apple Valley's Personnel Policies and Procedures Manual is simply a written guide for management and staff. This manual not only outlines Apple Valley's policy on the various phases of the employer-employee relationship, it also indicates how policy is to be administered. Consequently, each employee is able to use this Manual as a guide when policy needs to be applied to a given situation.

As an employee of Apple Valley you will be expected to read, understand, and follow the policies and procedures contained in this manual.

Experience has shown that written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Employees always feel a deeper understanding of their role in the organization when they realize that policies are uniformly administered. Please be advised that it is the obligation of each employee of Apple Valley to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to race, color, religion, sex, nation origin, age or disability.

And finally, no employee, officer, agent or other representative of Apple Valley has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Policies and Procedures Manual.

---

~~Richard S. Moser~~ Marty Lisonbee, Mayor



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## **SECTION I: EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

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1. **GENERAL POLICY.** It is the policy of Apple Valley to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc, without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veteran status.
2. **SUPERVISOR RESPONSIBILITIES.** The Mayor, or designee, will ensure that Apple Valley is in compliance with all of the personnel policies and procedures in this manual, including all EEO standards. Additionally, the Mayor, or designee, will ensure that each employee receives a copy of this Personnel Policies and Procedures Manual and that the employee signs and dates a Policy Statement and Acknowledgment Form (see Sample # 1 for details) stating receipt of the manual. The Mayor, or designee, will then file the signed and dated Policy Statement and Acknowledgment Form in the employee's personnel file.
3. **EMPLOYEE RESPONSIBILITIES.** Employees are responsible for informing themselves about the policies, practices, and benefits set forth in Apple Valley's Personnel Policy and Procedures Manual by reading them and, if necessary, asking that they be explained to them. Additionally, all employees are required to sign and date a Policy Statement and Acknowledgment Form stating receipt of this manual.

## **SECTION II: PROTECTION FROM CONTRACTOR CAUSED LOSSES/LIABILITIES**

- 1. GENERAL POLICY.** Apple Valley will take all necessary precautions and steps in written contracts to prevent loss and liability arising from entering relationships with independent contractors using the Hold Harmless Agreement (see Sample # 2 for details), which is a part of the Indemnity Provision Contract, or the entire Indemnity Provision Contract (see Sample # 3 for details).
- 2. SUPERVISOR RESPONSIBILITIES.**
  - A. To ensure that no work is performed by any private contractor until:
    - (1) A written contract between Apple Valley and the contractor has been entered into and signed by both parties.
    - (2) The signed written contract has been co-signed by the Town recorder.
  - B. Each contract with a private contractor should contain indemnity/hold harmless clauses which provide that:
    - (1) All contracts must contain indemnity and defense provisions in which the contractor assumes all liability arising out of work performed by the contractor or their officers, employees, agents, and volunteers.
    - (2) All contractors must provide evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the contract concerned, prior to the execution of the contract.
    - (3) Apple Valley and its officials, employees, agents and volunteers must be named as Additional insured on the liability insurance policy.
  - C. Each contract with a private contractor should contain provisions that ensure the contractor is carrying workers, compensation insurance coverage.
    - (1) Apple Valley should require evidence of Workers Compensation insurance (or evidence of qualified self-insurance) from all contractors.
    - (2) Apple Valley should have the contractor show evidence of the contractor's Workers Compensation coverage to Apple Valley.



### **SECTION III: EMPLOYEE HIRING**

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1. **EMPLOYMENT.** Job Descriptions (see Sample # 4 for details) defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.
2. **RECRUITMENT.** All recruitment shall be conducted in accordance with Apple Valley's equal opportunity guidelines.
  - A. **Internal Promotions.** It is Apple Valley's policy to give first consideration to current agency employees desiring to fill an open job position.
  - B. **External Advertising.**
    - (1) Only the Mayor, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.
    - (2) Each Job Opening Notice (see Sample # 5 for details) should contain a statement indicating that Apple Valley is an equal opportunity employer.
    - (3) Job Opening Notices may be advertised in the appropriate media, including the Department of Workforce Services should be utilized whenever possible, and through any other channels the Mayor deems appropriate, on at least three (3) separate days.
    - (4) All Job Opening Notices must specify the name and the office of the person from whom Job Applications are to be obtained, the name and office of the person to whom completed applications are to be returned, and the deadline for filing an application.
    - (5) Advertisements may state that job applicants residing in Apple Valley or the surrounding area will be given hiring preference.
3. **SELECTION.**
  - A. **Nepotism.** It is the policy of Apple Valley to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.
  - B. **Employment of Minors.** It is the policy of Apple Valley that no one under the age of fourteen (14) shall be hired for any position.
  - C. **Job Applications.** All interested job applicants shall complete a Job Application (see Sample # 6 for details).
    - (1) All applications and resumes received for the job opening will be

forwarded to the Mayor, or designee. Upon receipt, each application and resume will be marked with the date it was received and placed in an applicant's file for at least one (1) year.

- (2) Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.
- D. General Aptitude Test Battery (GATB). When necessary, job applicants may be required to take the GATB. If administration of the GATB is deemed necessary, it may be administered by the Department of Workforce Services.
- E. Other Tests. Job Applicants may be required to take other tests which Apple Valley deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When Apple Valley uses other ability tests, Apple Valley shall make reasonable accommodations for disabled applicants.
- F. Job Applicant Disqualification. An application may be rejected for, but not limited to, the following reasons. When the Job Applicant:
  - (1) Does not meet minimum qualifications established for the position.
  - (2) Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).
  - (3) Has falsified a material fact or failed to complete the application.
  - (4) Has failed to timely file the application.
  - (5) Has an unsatisfactory employment history or poor work references.
  - (6) Has failed to attain a passing score, if an examination is required.
- G. Reference Checks. In order to facilitate references checks, written permission shall be obtained from the applicant using the Applicant's Consent to Release Information Form (see Sample # 9 for details). Apple Valley may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked; using Telephone and Written

Reference Check Questionnaires (see Samples # 10 and 11 for details).

4. PLACEMENT.

- A. Job Offers. After a job applicant is approved by Apple Valley, the Mayor shall notify the successful job applicant of their conditional selection through a written Job Offer Letter (see Sample # 12 for details). The written conditional Job Offer Letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written conditional Job Offer Letter shall clearly state that the offer is not accepted until the candidate signs the written conditional Job Offer Letter and returns it to Apple Valley by the requested date. The original Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written conditional Job Offer Letters should also include the following:
- (1) A clear statement of the job description.
  - (2) The employee's starting salary. Starting salary offers for exempt positions shall be figured for a specified period, such as a two (2) week period. Starting salary offers for non-exempt positions shall be figured at an hourly wage.
  - (3) The employee's job title.
  - (4) The employee's supervisor.
  - (5) Any relocation commitments, if applicable.
  - (6) Apple Valley at-will employment policy.
  - (7) The employee's starting date.
  - (8) The length of the employee's probationary period.
  - (9) Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.
- B. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants may be notified. The Mayor, or designee, may send a Job Rejection Letter (see Sample # 13 for details) to each job applicant who was not selected for a job opening.
- C. Medical Examinations. Once Apple Valley has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a

health professional chosen by Apple Valley to determine a job applicant's ability to fulfill essential job related requirements. Only the Mayor may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by Apple Valley. The prospective employee must sign a written release of this information to Apple Valley.

- D. Reinstatements. Employees who are reinstated into Apple Valley may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:
  - (1) Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by Apple Valley within one (1) year after date of termination.
  - (2) Voluntary resignations. Employees who voluntarily terminate their employment with Apple Valley may maintain their original anniversary date, subject to Mayor and/or Town Council approval, if they are re-employed by Apple Valley within six months after date of termination.
- E. Hiring New Employees.
  - (1) Required for All Employees: The Mayor, or designee, is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on Apple Valley's policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours during the employee's first day of work.
- F. Orientation. Newly hired Apple Valley employees shall complete all required paperwork and receive an orientation on their first (1st) day of work.
  - (1) In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form (see Sample # 15 for details). The employee must sign under penalty of perjury that they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.
  - (2) All new employees shall complete and sign a Form W-4 Federal Withholding Statement (see Sample # 16 for details).
  - (3) All new employees should be given a tour of the work place with a brief overview of company rules and benefits. The employee should complete a New Employee Orientation Form (see Sample Number # 17 for details), that's been modified to meet the particular needs of Apple Valley.

G. Probationary Period.

- (1) All new employees shall be subject to a ~~90~~180 day probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- (2) Probationary periods begin on the first day of employment and continue for ~~90~~180 days. Management will provide guidance to probationary employees so they understand work requirements.
- (3) An employee on probation shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. Management reserves the right to extend the initial probationary period for an additional 180 days on the basis of this performance evaluation. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.

5. VOLUNTEERS.

- A. Court Ordered Community Service Volunteer Labor may be authorized at the discretion of the Mayor. Background checks may be required.
- B. The Mayor, with approval of the Town Council, may establish volunteer programs.
- C. The Mayor shall develop guidelines for use of volunteers.
- D. Prior to accepting any volunteer services, the Mayor and the volunteer shall sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services.
- E. A volunteer shall be provided the protections as an employee of Apple Valley for:
  - (1) Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.
  - (2) Operating Apple Valley owned vehicles or equipment when the volunteer is properly licensed to do so.

(3) Liability insurance coverage offered employees.

F. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with Apple Valley.

#### **SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE**

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1. **GENERAL POLICY.** The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.
2. **EMPLOYEE RESPONSIBILITIES.**
  - A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
  - B. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the Mayor within five days after the conviction.
  - C. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
  - D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
  - E. No employee shall represent Apple Valley in an official capacity while impaired by alcohol, illegal drugs, or medication.
  - F. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for Apple Valley.
  - G. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to their supervisor.
  - H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the Mayor, or designee.
3. **DISCIPLINARY ACTION.** Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, appropriate employee disciplinary action will be taken, up to and including termination.



## **SECTION V: SEXUAL/GENDER HARASSMENT**

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1. GENERAL POLICY. It is the policy of Apple Valley that:
  - A. The giving or withholding of tangible job benefits based on the granting of sexual favors (Quid Pro Quo) and any behavior or conduct of a sexual/gender based nature which is demeaning, ridiculing or derisive and results in a hostile abusive or unwelcome work environment constitutes sexual harassment.
  - B. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
  - C. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.
  - D. False or bad faith claims regarding sexual or gender harassment shall result in disciplinary action, up to and including termination, against the accuser.
  - E. Employees accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.
  - F. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.
  - G. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievance procedures during orientation and in-service training.

## **SECTION VI: EMPLOYEE CODE OF CONDUCT**

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1. **PROFESSIONALISM.** Apple Valley is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned at their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other member employees and officials.
2. **PRIVILEGED INFORMATION.** Apple Valley employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any Apple Valley plan or activity, this situation must be reported to the Mayor immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and management Act.
3. **CONFIDENTIALITY.** Fellow employees have an unquestionable right to expect all personal information about themselves, their illness, their family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.
4. **GIFTS AND GRATUITIES.** Apple Valley employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with Apple Valley, or from any person within or outside Apple Valley employment whose interests may be affected by the employee's performance or nonperformance of official duties. Apple Valley employees will not accept gifts or gratuities except under circumstances allowed by the Utah Employee Ethics Act 67-16.
5. **ATTENDANCE.** Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify their supervisor prior to the scheduled work time. If the employee is ill or has an emergency, they should notify their supervisor as soon as possible on each day of absence.
6. **APPEARANCE.** Apple Valley reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.

7. **SMOKING.** In compliance with the Utah Indoor Clean Air Act, smoking is not permitted in Apple Valley facilities or on the grounds surrounding said facilities. Apple Valley also prohibits smoking in Apple Valley owned vehicles.
8. **PERSONAL USE OF APPLE VALLEY OFFICE ITEMS.**
  - A. **Computer Equipment.**
    - (1) Personal use of Apple Valley owned computer systems is permitted only when all of the following criteria are met.
      - (a) The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
      - (b) The employee is not compensated for the work performed, unless the employee has received prior written approval by the Mayor, or designee.
      - (c) The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line/access charges, etc.).
      - (d) The employee uses the computer system after hours, or on the employee's personal time.
      - (e) The employee does not use the computer system for permanent storage of data.
      - (f) Use does not conflict with the employee's Apple Valley responsibilities or normal Apple Valley business.
      - (g) The use has been approved by the Mayor, or designee.
    - (2) All data stored on, and software developed on, Apple Valley owned computer equipment is the property of Apple Valley and may be viewed/reviewed by the Mayor, or designee, at any time.
    - (3) No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on Apple Valley owned computer equipment.
  - B. **Postage Meters.** No employee shall be allowed to use Apple Valley owned postage metering machines at any time for posting and mailing of any material of

a personal nature.

C. FAX and Copying Machines. Any employee desiring to use Apple Valley owned FAX or copying machines for items of a personal nature may do so after paying for such use at the employee rate which is in effect at the time of use.

D. Telephone calls.

(1) Employees are expressly prohibited from making long distance telephone calls of a personal nature on Apple Valley owned telephones.

(2) All employees will use Apple Valley owned telephones for local personal calls judiciously. Local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.

9. PURCHASING. When procurement involves the expenditure of federal assistance funds, Apple Valley shall comply with all applicable federal laws and regulations, state laws, and Town ordinances and resolutions. For all purchases please refer to current purchasing policies.

10. TIME CARDS

A. All employees of Apple Valley are required to maintain an accurate and legible record of all their hours worked for Apple Valley on time sheets/cards.

B. Time sheets/cards will be signed and dated by the employee, and forwarded to the Mayor, or designee, as directed for review and payment.

11. CREDIT CARDS. Apple Valley credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.

12. OUTSIDE ACTIVITIES. Apple Valley employees shall not use Apple Valley owned property in support of outside interests and activities when such use would compromise the integrity of Apple Valley or interfere with the employee's duties. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to Apple Valley business, public office, or service club, shall:

A. Pursue the outside activity on the employee's own time.

B. Pursue the outside activity away from Apple Valley offices.

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- C. Discourage any phone, mail or visitor contact related to the outside interest at Apple Valley offices.
- D. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.
- E. Except as provided in paragraph 8, not use data processing equipment, postage metering machines, copiers, other Apple Valley owned equipment or supplies for the outside interest.

13. POLITICAL ACTIVITY.

- A. An employee shall not be coerced to support a political activity, whether funds or time are involved.
- B. An employee shall not engage in political activity during work hours, unless on approved leave.
- C. An employee shall not use Apple Valley owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) When engaged in political activity.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.

14. SECONDARY EMPLOYMENT.

- A. Apple Valley employment is primary.
  - (1) Employment with Apple Valley shall be the employee's primary employment. Apple Valley employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonable give rise to criticism or suspicion of conflicting interests or duties.
  - (2) Employees are required to provide written notification to the Mayor, or designee, using the Employee's Notice of Secondary Employment (see Sample # 19 for details) before starting any secondary or outside

employment. This notification should include the following information:

- (a) The employer's name, business name, and business address.
- (b) A general overview of the type of business engaged in by the secondary employer.
- (c) The specific duties engaged in by the employee at their secondary employment.

B. Apple Valley's approval process.

- (1) The Mayor, or designee, shall review the information contained in the Employee's Notice of Secondary Employment and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:
  - (a) That the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with Apple Valley. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.
  - (b) That the secondary employment could invoke a conflict of interest with their employment with Apple Valley.
  - (c) That the secondary employment is immoral or unethical.
- (2) This decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee:
  - (a) Shall abide by that decision.
  - (b) May appeal the decision to the Town Council, whose decision shall be final.
  - (c) May voluntarily resign their employment with Apple Valley.

## **SECTION VII: DISCIPLINARY ACTION**

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### **1. GENERAL POLICY.**

- A. It is the policy of the Apple Valley that management will inform its employees about what is expected at work, what constitutes employee misconduct, and what the employee's rights are, if disciplined.
- B. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of Apple Valley government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
- C. Disciplinary action, up to and including termination, may be imposed for misconduct.
- D. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

### **2. TYPES OF DISCIPLINARY ACTION.**

- A. Verbal Warning.
  - (1) Whenever grounds for disciplinary action exist, and the Mayor, or designee, determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.
  - (2) Whenever possible, sufficient time for improvement should precede additional disciplinary action.
- B. Written Reprimand.
  - (1) The Mayor, or designee, may reprimand an employee. The Mayor, or designee, shall furnish the employee with an Employee Written Reprimand Notification (see Sample # 20 for details) setting forth the reason(s).
  - (2) A copy of the Employee Written Reprimand Notification, signed by the Mayor and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or

designee, will so state.

C. Suspension.

- (1) The Mayor, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
- (2) When suspending an employee, the Mayor, or designee, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, Imposing Disciplinary Action.
- (3) On or before the effective date of the suspension, the Mayor, or designee, shall furnish the employee with a written Employee Suspension Notification (see Sample # 21 for details) setting forth the reason(s) for suspension.
- (4) A copy of the Employee Suspension Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.
- (5) An employee on suspension shall be responsible for making full employee contributions to their employee medical insurance benefits.

D. Demotion.

- (1) The Mayor, or designee, may demote, or reduce in grade, and employee for cause or provide for reasonable accommodation in appropriate circumstances.
- (2) When demoting an employee, the Mayor, or designee, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, Imposing Disciplinary Action.
- (3) On or before the effective date of the demotion, the Mayor, or designee, shall furnish the employee with a written Employee Demotion Notification (see Sample # 22 for details) setting forth the reason(s) for demotion.
- (4) A copy of the Employee Demotion Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or

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designee, will so state.

E. Transfer.

- (1) The Mayor, or designee, may transfer an employee (with the exception of a probationary employee) by furnishing the employee with a written Employee Transfer Notification (see Sample # 23 for details).
- (2) A copy of the Employee Transfer Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

F. Termination.

- (1) The Mayor, or designee, may terminate an employee for cause.
- (2) When terminating an employee for cause, the Mayor, or designee, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, Imposing Disciplinary Action.
- (3) On or before the effective date of the termination for cause, the Mayor, or designee, shall furnish the employee with a written Employee Termination Notification (see Sample # 24 for details) setting forth the reason(s) for termination.
- (4) A copy of the Employee Termination Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

3. CAUSES FOR DISCIPLINARY ACTION.

A. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- (1) Violation of the laws of the State of Utah or the United States, other than minor traffic offenses.
- (2) Violation of the code of personal conduct.
- (3) Conduct which endangers the peace and safety of others or poses a threat

to the public interest.

- (4) Unjustified interference with work of other Apple Valley employees.
- (5) Misconduct.
- (6) Malfeasance.
- (7) Misfeasance.
- (8) Nonfeasance.
- (9) Incompetence.
- (10) Negligence.
- (11) Insubordination.
- (12) Failure to maintain skills.
- (13) Inadequate performance of duties.
- (14) Unauthorized absence or tardiness.
- (15) Falsification or unauthorized alteration of records.
- (16) Violation of Apple Valley policies.
- (17) Falsification of employment application.
- (18) Discrimination in hiring, assignment, or promotion.
- (19) Sexual harassment.
- (20) Violation of the Personnel Policies and Procedures.
- (21) Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.
- (22) Falsifying Apple Valley Records.

- (23) Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.
- (24) Unauthorized possession of firearms, weapons, or explosives on Apple Valley owned property, with the obvious exception of police officers.
- (25) Carelessness which affects the safety of personnel.
- (26) Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
- (27) Theft or removal of any Apple Valley property or the property of any employee from the work area premises without proper authorization.
- (28) Gambling or engaging in a lottery at any Apple Valley work area.
- (29) Misusing, destroying, or damaging any Apple Valley property or the property of any employee.
- (30) Deliberately restricting work output of themselves or others.
- (31) Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday.
- (32) Sleeping during working hours, with the obvious exception of firefighter employees.
- (33) Fighting (verbal or physical) on Apple Valley premises, or while on Town business, or in a Town uniform.
- (34) Any act which might endanger the safety or lives of others.

## **SECTION VIII: TERMINATION OF EMPLOYMENT**

1. **TYPES OF TERMINATION.** Any involuntary termination or termination of any employee who is allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee's due process property rights are not violated.
  - A. **Retirement.** Voluntary termination at the end of an employee's career.
  - B. **Voluntary Resignation.** When an employee wishes to leave Apple Valley, they will complete a Notice of Voluntary Resignation Form (see Sample # 26 for details) and present it to the Mayor, or designee.
  - C. **Resignation, in Lieu of an Involuntary Termination, Agreement.** The Mayor, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause. If Involuntary Termination proceedings have begun, but have not been completed and an employee suggests that they would like to voluntarily resign, the Mayor may agree to a Resignation In Lieu Of an Involuntary Termination Agreement (see Sample # 27 for details).
  - D. **Involuntary Termination.** The Mayor, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause.
  - E. **Reductions in Force/Layoffs.** Whenever it is necessary to reduce the number of employees in Apple Valley because of lack of work or lack of funds, Apple Valley may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.
  - F. **Medical.** The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an otherwise qualified individual with a disability. Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.
  - G. **Death.** If an employee of Apple Valley dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/ or sick leave) as of the date of death.

2. REQUIRED NOTICE PRIOR TO TERMINATION.

- A. All employees, including at-will employees, must notify Apple Valley at least two (2) weeks before retiring or voluntarily resigning to be eligible:
  - (1) To receive pay for unused, accrued vacation leave (if applicable).
  - (2) To receive pay for vested sick leave (if applicable).
  - (3) For rehire.
- B. Apple Valley does not have a requirement to give any prior notice to an employee before terminating their employment with Apple Valley.
- C. Unused, accrued vacation leave (if applicable) and vested sick leave (if applicable) will always be paid for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, and Deaths.

3. TERMINATION PROCEDURES.

- A. A Notice of Voluntary Resignation Form, signed by the employee and the Mayor, or designee, may be utilized in Voluntary Resignations.
- B. Involuntary Terminations/Separations for Cause require Apple Valley to provide their terminating employees with written notification of due process. At-Will Involuntary Terminations (for probationary employees and department heads) do not require Apple Valley to provide their terminating employees with written notification of due process.
- C. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the Mayor, or designee, may be utilized in negotiated terminations. A Resignation in Lieu of an Involuntary Termination Agreement does not require Apple Valley to provide their terminating employees with written notification of due process.
- D. The following steps should be taken for Voluntary Retirements:
  - (1) Employees who desire retirement should notify Apple Valley three (3) months in advance.
  - (2) Apple Valley should communicate the status of each employee's

retirement benefits. Upon request for retirement benefits, Apple Valley should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.

- (3) Apple Valley should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
- (4) Apple Valley should give the employee ample time to review the retirement plan.
- (5) Apple Valley should have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.

E. The following steps should be taken for Reductions in Force/Layoffs:

- (1) Determine whether Apple Valley is required to follow statutory guidelines related to the reduction in force/layoff. If Apple Valley is required to follow statutory guidelines; policy, procedure and actual practice must comply with said guidelines.
- (2) If Apple Valley is facing a possible reduction in labor force, Apple Valley should explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for Apple Valley.
- (3) In the selection of employees for Apple Valley's reduction in force/layoff, the following guidelines should be considered:
  - (a) Selection should be based upon the employee's ability to perform the work assignments within the affected department.
  - (b) Seniority should govern the selection when ability is equal.
  - (c) Emergency, temporary, and probationary employees should be laid off first.
  - (d) Permanent employees should be the last to be laid off, when possible, in inverse order of their length of service.
  - (e) Before any reduction in force/layoff, Apple Valley should determine whether it is subject to the requirements of the Worker

Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.

- (f) Apple Valley should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
  - (g) If Apple Valley cannot give advanced notice of a reduction in force/layoff to the employee, two weeks severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.
- (4) Written reductions in force/layoffs notices should contain the following information:
  - (a) Statement that separation from employment is based on reduction in force/layoff.
  - (b) Anticipated date of layoff.
  - (c) Any options regarding employee placement in another position.
- F. Outstanding Pay.
  - (1) Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable); or pay for vested sick leave (if applicable).
  - (2) Under Utah State law, the required timing of the final payment at termination is:
    - (a) A Voluntary Resignation. Within one (1) workday of effective resignation date.
    - (b) An Involuntary Termination/Separation for Cause. Within one (1) workday of last day worked.
- G. The terminating employee will return any supplies or equipment, which are the property of Apple Valley, to Apple Valley at termination.
- H. All terminating employees should complete an Exit Interview Form (see Sample # 28 for details) with the Mayor, or designee. The Exit Interview Form should be signed by the employee and the Mayor, or designee.

## **SECTION IX: RECORD KEEPING**

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1. GENERAL POLICY. Federal law requires employers to keep detailed data about their employees.
2. CONFIDENTIALITY. Employee records are maintained in compliance with the law.
  - A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
  - B. Apple Valley's policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
  - C. Employees have the opportunity to review their own files in the presence of the Mayor, or designee, on Apple Valley premises during regular business hours.
3. PERSONNEL FILES REQUIREMENTS.
  - A. General.
    - (1) Personnel files are maintained on each employee and kept by the Mayor, or designee. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
    - (2) No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the Mayor, or designee.
    - (3) Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at Apple Valley. When a Supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the Mayor, or designee.
  - B. Contents.
    - (1) An employment record; including the employee's job application, resume, interview forms, Employment Eligibility Verification (Form I-9), Employee's Withholding Allowance Certificate (Form W-4), etc.



- (2) A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee currently occupies.
  - (3) Election form to disclose or keep confidential, the employee's home address and home telephone number.
  - (4) All personnel action forms, including:
    - (a) Performance evaluations.
    - (b) Promotions or transfers.
    - (c) Salary rate changes.
    - (d) Disciplinary action taken. The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form; the Mayor, or designee, will so state.
  - (5) Any information the employee wants included in response to any of the above actions.
  - (6) Records of citations for excellence or awards for good performance.
  - (7) Annual records of any leave accrued and taken. Official records of vacation and sick leave accrual and of leave usage are kept for employees by the Mayor, or designee. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the Mayor, or designee, to obtain information regarding their current leave usage.
  - (8) Record of any other pertinent information having a bearing on the employee's status.
- C. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form (see Sample # 30 for details) and giving it to the Mayor, or designee, to file in their personnel file.

- D. Giving References. Apple Valley limits information given in a reference to the following.
  - (1) Verification that the employee worked, full-time or part-time, for Apple Valley during a stated period.
  - (2) A description of the position held.
  - (3) Verification that the employee achieved a given salary range.
- 4. OTHER FILES REQUIREMENTS. Records related to the items listed below should be kept for a period of at least one (1) year. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.
  - A. Job applications.
  - B. Test papers completed by job applicants or candidates for any position.
  - C. Results of any pre-employment physical exam and mobility exams should be kept for a period of at least four (4) years.
  - D. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.
  - E. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.
- 5. SALARY/WAGE REQUIREMENTS. The Federal Labor Standards Act (FLSA) requires Apple Valley to keep all of the following data on all employees for a period of at least three (3) years.
  - A. Employee's sex.
  - B. Time and day work week begins.
  - C. Hours worked each day and total hours worked each week.
  - D. Total daily or weekly straight-time earnings.
  - E. Total additions to, or deductions from, wages paid each pay period, including an

explanation of items that make up additions and deductions.

F. Date of payment and pay period covered.

G. Total overtime above regular compensation for work week.

6. OTHER REQUIREMENTS. There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

A. Occupational Safety and Health Act (OSHA) record of injuries.

B. Employee Retirement Income Security Act (ERISA) record of pensions.

C. The Immigration Reform and Control Act (IRCA) of 1986 requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

## **SECTION X: PERFORMANCE EVALUATIONS**

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### **1. GENERAL POLICY.**

1. Performance evaluations will consist of a review between the supervisor and the employee using Apple Valley's Performance Evaluation Form (see Sample # 31 for details).
- B. It is the policy of Apple Valley that employee evaluations be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance.
- C. Goal setting is critical for the development of performance plans and standards. Goals define in broad terms the underlying purpose of a given activity or set of activities.
- D. Objectives specify what should be achieved during an employee's employment with Apple Valley.
- E. There are certain fundamental principles which govern the establishment of goals, objectives, and performance standards.
  - (1) Participatory Goal Setting. In setting goals and objectives of employees, the supervisors should seek to involve employees in the process.
  - (2) Outline Results to be Achieved. There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when it needs to be completed, and what resources will be required.
  - (3) Relate to Organizational Objectives and Goals. In the process of initially formulating performance plans, each employee should be provided with the larger picture and how their work contributes to the organization. This is the responsibility of each supervisor.
  - (4) Define Objectives. Objectives must be clearly defined and understood by both employees and their supervisors. There must be clear agreement on resources to be made available, periodic reviews and other related control activities.
  - (5) Give Support. Employees should understand that they will be fully supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards.

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2. PERFORMANCE PERIODS.

A. Probationary employees.

- (1) Employees on probation shall have performance evaluations following the end of their probationary period.
- (2) The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
- (3) Probationary employees should understand that their performance evaluations and the results of such evaluations shall not obligate Apple Valley to a particular course of action relative to probationary employees, nor shall it create any property/due process rights for probationary employees relative to their jobs/positions.

B. Permanent employees.

- (1) Performance evaluations will be completed annually on the employee's anniversary date. An employee's anniversary date is defined as their first (1<sup>st</sup>) day on the job with Apple Valley.
- (2) Although a salary adjustment never automatically follows a performance evaluation, the performance evaluation will be included as a component of any future compensation increase.

3. CONFIDENTIALITY.

- A. Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private information of that file.
- B. Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions.

## **SECTION XI: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

1. **GENERAL POLICY.** Apple Valley will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Apple Valley will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.
2. **EMPLOYMENT CLASSIFICATIONS.** There are four classifications of employees within Apple Valley:
  - A. **Full-time.** An employee hired for an indefinite period in a position for which the normal work schedule is Thirty (30) hours per week or more. Full-time employees may or may not qualify for specific Apple Valley benefits.
  - B. **Part-time.** An employee hired for an indefinite period in a position for which the normal work schedule is less than Thirty (30) hours per week. Part-time employees may or may not qualify for specific Apple Valley benefits.
  - C. **Temporary.** An employee hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for Apple Valley benefits.
  - D. **Seasonal.** An employee hired for a position which is required only for the summer or winter months. Summer or winter only employees do not qualify for Apple Valley benefits.
3. **EMPLOYMENT STATUS.** To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, with respect to eligibility for overtime payment. They shall be defined as:
  - A. **Exempt.** Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
  - B. **Nonexempt.** Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.

4. WORK WEEK.
  - A. Begins on Sunday morning at 12:00 a.m. (midnight).
  - B. Ends on Saturday evening at 12:00 a.m. (midnight).
  - C. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the Mayor, or designee.
5. WORK DAYS.
  - A. Full Time: Monday - Friday.
  - B. Part Time: As directed by the Mayor, or designee.
  - C. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the Mayor, or designee.
6. WORK HOURS.
  - A. Full Time: 8:00 a.m. - 12:00 noon/1:00 p.m. - 5:00 p.m.
  - B. Part Time: As directed by the Mayor or designee.
  - C. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the Mayor, or designee.
7. ATTENDANCE. Employees shall be in attendance at their work stations during normal working hours.
8. BREAKS AND LUNCH PERIODS.
  - A. Full-time:
    - (1) Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard work day. Breaks can not be used to extend the lunch period or shorten an employee's work hours.
    - (2) Lunch: One (1) hour unpaid lunch period during a standard work day.
  - B. Part-time: As directed by the Mayor, or designee.

- C. Employee breaks and lunch periods will be taken at the discretion of the Mayor, or their supervisor, to ensure continuity in the flow of work.
- D. If employees choose to work through their paid breaks, it is their decision to do so and no extra compensation will be given for the extra time worked.
- E. Employees engaged in public safety activities, such as Police and Fire Departments: As directed by the Mayor, or designee.

9. COMPENSATORY TIME OFF.

- A. Employees may receive compensatory time off in lieu of overtime pay at Apple Valley's discretion. The Mayor, or designee, reserves the right to schedule when an employee's accrued compensatory time will be used. Written employee requests, to use their accumulated compensation time during specific dates and times, must be approved by the Mayor, or designee, who shall honor the requests unless granting the compensatory time off would create a substantial hardship for Apple Valley.
- B. The law requires that after non-exempt employees have accumulated the maximum amounts of compensatory time off during any work period, any additional overtime must be paid as set forth below:
  - (1) For employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments, with five (5) or more employees; not more than four hundred eighty (480) hours of compensatory time off may accrue.
  - (2) For employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments, with less than five (5) employees; the FLSA does not apply.
  - (3) For employees not engaged in public safety activities; not more than two hundred forty (240) hours of compensatory time off may accrue.
- C. Compensation time off will be accumulated at the overtime rate of one and one-half (1 1/2) hours for every hour worked, for all overtime hours worked.

- 10. TIME SHEETS. Employees will complete and sign, as verification of accuracy, an Employee Time Sheet (see Sample # 33 for details) showing all hours worked, including overtime, and submit the time sheet to the Mayor, or designee, for examination and filing.



## **SECTION XII: SALARY PLANNING**

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1. GENERAL POLICY. The Mayor, in conjunction with the Town Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan for Apple Valley which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and may take into consideration the following factors:
  - A. Ranges of pay for other positions.
  - B. Prevailing rates of pay for similar employment in both public and private organizations.
  - C. Cost of living factors.
  - D. Other benefits received by employees.
  - E. The financial policy and economic conditions of Apple Valley.

### **SECTION XIII: PAYROLL ADMINISTRATION**

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1. **PAY PERIODS.** The Fair Labor Standards Act requires that wages be calculated on a periodic basis consisting of twenty eight (28) days for employees working in public safety activities, such as Law Enforcement and Firefighters, and on a weekly basis for employees not working in public safety activities, unless an exception is granted by the Department of Labor.
2. **PAY DAYS.** Apple Valley's pay days are as follows.
  - A. Employees will be paid on a bi-weekly basis for a total of 26 pay periods in a 12-month period.
3. **MINIMUM WAGE/SALARY.** The Fair Labor Standards Act requires that Apple Valley pay an employee at least the minimum wage, currently seven dollars and fifty cents (\$7.25), as a gross wage/salary, minus the legally required pay deductions.
4. **PAY DEDUCTIONS.** Apple Valley is permitted to make deductions authorized by their employees. The following is a checklist of payroll deductions:
  - A. **Itemized Deductions.**
    - (1) **Mandatory:**
      - (a) Social Security.
      - (b) Federal Tax.
      - (c) State Tax.
    - (2) **Optional:**
      - (e) Group Life Insurance.
      - (f) Hospitalization.
      - (g) Major Medical Insurance.

#### **SECTION XIV: REIMBURSABLE EXPENSES**

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1. GENERAL POLICY. With prior approval, legitimate expenses will be reimbursed by Apple Valley to the employee. Receipts should be required to reimburse the employee. Reimbursement may be in the form of petty cash, an addition to a paycheck, or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received.
2. TRAINING AND CONFERENCES. If required to attend training seminars, conferences, briefings, or gather information; an employee will be compensated, in addition to paying any tuition or fees, at the rate of one and one-half (12) times their regular work day pay if hours worked exceed forty (40) hours in that week.
3. TRAVEL POLICY.
  - A. All travel outside of the Apple Valley limits during Apple Valley work hours shall be authorized by the Mayor. A log of all such travel exceeding a thirty (30) mile radius of Apple Valley shall be kept. This log shall include the reason for the trip, the time the employee departed, and the time the employee returned, and vehicle used.
  - B. Travel for legitimate Apple Valley purposes in Apple Valley vehicles may be authorized when the use of the vehicle does not detract from the operational needs of Apple Valley. Overnight use of Apple Valley vehicles for travel purposes shall be authorized by the Mayor.
  - C. If travel is outside the range of service of Apple Valley's repair shop, travel costs in conjunction with the use of Apple Valley vehicles shall be paid by the employee with receipts being kept for reimbursements.
  - D. All hotels or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid in advance of the trip. If such payment in advance is not possible, Apple Valley shall reimburse to the employee the cash amount of the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances will necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned into Apple Valley by the employee as a verification of attendance no matter what the form of payment.
  - E. Use of an employee's personal vehicle may be authorized when circumstances

warrant. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to the Mayor based upon this record. The mileage rate will be consistent with the established rate used for Internal Revenue Service travel deductions (currently fifty five (55) cents per mile).

- F. All registration fees, etc., will be paid in advance by check. If this is not possible, the employee will be reimbursed for their own expenditure for registration fees, etc. after presentation of a valid receipt in conjunction with previously authorized travel.
- G. The amount of twenty eight dollars (\$28.00) shall be granted as the maximum daily per diem allowance for Apple Valley employees engaged in travel on the Apple Valley's behalf. No per diem shall be authorized for spouses of employees or others traveling with the employee at their own expense (Please note: the Mayor, however, may authorize the cost of a double rather than a single hotel room to accommodate the travel of a spouse with an employee). Receipts shall not be required for per diem advancements or compensation unless the employee requests reimbursement above the authorized amount.
- H. Travel that requires less than a full day shall be compensated by the following specific per diem allowances:
  - (1) Breakfast: Six dollars (\$6.00) maximum, when departing before 7:00 a.m.
  - (2) Lunch: Eight dollars (\$8.00) maximum.
  - (3) Dinner: Fourteen dollars (\$14.00) maximum, when returning after 7:00 p.m.
  - (4) These amounts may be either an advance, after submission and approval of travel request, or reimbursed after presentation of receipts.

## **SECTION XV: BENEFITS**

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### **1. WORKERS COMPENSATION.**

- A. All employees are covered by workers compensation which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers compensation payments. For exact compensation coverage, check the workers compensation contract on file with the Mayor, or designee.
- B. Employees may use accrued vacation or sick leave to make up the difference between workers compensation benefits and their base pay.
- C. Medical Attention. An employee who sustains a bona fide, on-the-job injury may seek medical attention from the medical facility of their choice. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan).
- D. Initial Reporting of Illness or Injury. Reporting the accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the Mayor immediately. After Form 122 is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of injury.
- E. Reporting while off the Job. While on leave because of a bone fide, on-the-job injury or illness, an employee must contact their supervisor or the Mayor to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.
- F. Return to Service. All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.

G. At the time of final release or settlement of a workers compensation claim, if no vacancy exists; and, if a reasonable effort which have proven to be unsuccessful, has been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.

2. SOCIAL SECURITY/FICA. All employees whether full-time, part-time, or temporary are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided for by law. Contributions of the employee and Apple Valley will be made in accordance with the provision of the law.

3. INSURANCE.

A. Medical Health Insurance. It is the policy of Apple Valley to pay the cost of health insurance for: each individual full-time employee after the completion of the probationary period. Additional coverage for spouse and/or dependents is available under the Towns policy at the employee's expense.

~~(1) — Each individual full-time employee.~~

~~(2) — Or, each individual full-time employee and a part of their families.~~

~~(3) — Or, each individual full-time employee and all of their families.~~

~~B. Life Insurance. A basic life insurance policy is provided free of charge for each employee at Apple Valley's expense. This is included in the package with the health insurance.~~

~~B. Additional Insurance. Other coverage may be available to the employee such as life, dental and vision insurance.. The cost of this additional coverage is the responsibility of the employee.~~

C. Insurance Termination, Transition, and Conversion.

(1) Termination. When an employee is terminated from employment with Apple Valley, Apple Valley will cease making contributions to the employee's insurance plans.

(2) Transition. In cases requiring longer than three (3) months, arrangements may be made with the Mayor for the employee to pay the additional premiums required. Both Medical/Health Insurance and Life Insurance may be converted on termination in accordance with the terms of the individual policies. This is an individual responsibility that should be

made directly between the individual employee and Apple Valley.

(3) Conversion.

(a) The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 is available for those employees who resign or are terminated from employment or if work hours are reduced which makes the employee no longer eligible to participate in the state group health insurance plans. Employees may have the right to continue to participate in a COBRA program through the state for up to eighteen (18) months at the employee's expense, subject to current state and federal law.

(b) Eligible dependents may also extend coverage, at their expense, for up to thirty-six (36) months in state health insurance plans in the event of the employee's death, divorce, legal separation, or entitlement to Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan, subject to current state and federal law.

4. STATE AND FEDERAL UNEMPLOYMENT. All employees, whether regular, part-time, or temporary, are covered by the benefits of State and Federal Unemployment.

5. CONTINUING EDUCATION. Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the Mayor, or designee.

A. Required by Apple Valley. When Apple Valley requires an employee to attend any education or training course, conference, seminar, or certification course, Apple Valley will provide the necessary time off with pay and will reimburse the employee for all associated costs including tuition or registration fees, authorized travel, meals, and lodging.

B. Encouraged by Apple Valley. Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advance approval by the Mayor, and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts. Proof of successful completion will include one of the following:

(1) A certificate indicating successful course completion, if applicable.

- (2) A grade point average of 2.0 or higher on a 4.0 (A, B, C, D) scale.
- (3) A grade pass on a pass/fail grading system.

**6. RETIREMENT BENEFITS.** The Town fully funds an employee pension plan through Utah Retirement Systems for each active full-time employee. Eligibility begins after probationary period.

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## **SECTION XVI: FAMILY AND MEDICAL LEAVE ACT (FMLA)**

### **1. GENERAL POLICY.**

- A. The Family and Medical Leave Act of 1993 requires many employers, including public agencies to provide up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for eligible employees at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member.
- B. A single public agency is further defined under Section 3(x) of the Federal Labor Standards Act to include Apple Valley.
- C. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
- D. Intermittent leave or a reduced leave schedule for medical reasons can be taken under this policy when medically necessary. Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and Apple Valley mutually agree to that arrangement.
  - (1) Intermittent leave is leave that is not taken consecutively.
  - (2) A reduced leave schedule is a leave schedule that reduces the usual number of hours per work week or hours per work day.

### **2. ELIGIBILITY. To be eligible for FMLA leave, an employee must:**

- A. Have been employed for at least twelve (12) months by the employer.
- B. Have been employed for at least one thousand two hundred fifty (1,250) hours of service with that employer during the previous twelve (12) months.
- C. Be employed by an employer who employs at least fifty (50) people within a seventy five (75) mile radius around the work site.

### **3. LEAVE OPTIONS. At either the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.**

4. BENEFITS AND EMPLOYMENT STATUS.

- A. During the FMLA leave, the employer must maintain the employee's health benefits coverage under any group health plan that the employee has with the employer.
- B. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's FMLA leave. However, no seniority or other benefits will accrue during the FMLA leave.
- C. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

## **SECTION XVII: LEAVES OF ABSENCE**

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### **1. ABSENT WITHOUT LEAVE.**

- A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the Mayor, or designee.
- B. Any employee who is absent for three (3) or more consecutive work days without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the Mayor, or designee, by subsequent grant of leave with or without pay as the circumstances dictate.

### **2. ANNUAL VACATION LEAVE.**

- A. Each permanent, full-time employee shall receive annual vacation leave at the following rate:
  - (1) For one (1) month to one (1) years of service, five (5) work days of annual vacation leave shall accrue at the rate of one-third day per month for each month worked.
  - (2) From one (1) years to five (5) years of service, ten (10) work days of annual vacation leave shall accrue at the rate of two thirds (2/3) day per month for each month worked.
  - (3) For over five (5) years of service, fifteen (15) work days of annual vacation leave shall accrue at the rate of ten hours (10) hours per month for each month worked.
- H. An employee who is separated from employment may be compensated for all accrued annual vacation leave.
- I. All annual vacation leave requests should be submitted a reasonable time in advance of the desired time off to the Mayor, or designee. If an excessive (being the number of requests if granted that would render the department or organization ineffective) amount of employees request annual vacation leave for the same time period, annual vacation leave shall be granted in order of application (first-come-first-served) at the discretion of the Mayor, or designee.
- J. Official annual vacation leave records will be maintained and kept current by

posting at least once per month by the Mayor, or designee.

- K. Vacation usage will be reported by the Mayor, or designee, using attendance forms.

3. HOLIDAY LEAVE.

- A. Holidays which apply to full time employees are:

- (1) New Year's Day.....January 1<sup>st</sup>
- (2) Human Rights Day.....3<sup>rd</sup> Monday in January
- (3) President's Day.....3<sup>rd</sup> Monday in February
- (4) Memorial Day.....Last Monday in May
- (5) Independence Day.....July 4<sup>th</sup>
- (6) Pioneer Day.....July 24<sup>th</sup>
- (7) Labor Day.....1<sup>st</sup> Monday in September
- (8) Columbus Day.....2<sup>nd</sup> Monday in October
- (9-10) Thanksgiving.....4<sup>th</sup> Thursday & Friday in November
- (11) Christmas Day.....December 25<sup>th</sup>

- B. If any of the above holidays fall on Saturday, then the preceding Friday shall be the holiday. If any of the above holidays fall on Sunday, then the following Monday is the holiday.

## **SECTION XVIII: GENERAL SAFETY**

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1. GENERAL POLICY. The following general safety rules will apply in all agency work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.
  - A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
  - B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
  - C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
  - D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor/manager.
  - E. Defective equipment will be reported immediately to the supervisor or Mayor.
  - F. Employees will not operate equipment or use tools for which licensing and training has not been received.
  - G. In all work situations, safeguards required by State and Federal Safety Orders will be provided.
8. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:
  - (1) Road repair.
  - (2) Construction areas.
  - (3) Vehicle maintenance areas.
  - (4) Swimming pools.
  - (5) Animal control.
  - (6) Power plants.

(7) Sewers.

2. **PROPER USE OF APPLE VALLEY EQUIPMENT AND TOOLS.** The use of Apple Valley equipment or tools for private purposes is strictly prohibited. However, reasonable use of Apple Valley tools and equipment to protect property and preserve life is authorized.
  - A. Employees shall be required to attend training provided by Apple Valley; including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved by Apple Valley.
  - B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial driver's license at four (4) year intervals.
  - C. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.
  - D. Employees shall keep the agency vehicles which are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

3. ACCIDENT REPORTING PROCEDURES.

- A. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the Mayor or their supervisor, who will ensure prompt and qualified medical attention, is provided and all required UOSHA reports are completed. Employees, who do not and/or will not accept qualified medical attention when directed by the Mayor, or designee, shall be subject to disciplinary action, up to and including termination.
- B. The Mayor, or designee, will investigate the job related injury to determine the cause of the injury.
- C. Apple Valley shall contact UOSHA within twelve (12) hours of the occurrence of any job related death, disabling, serious, or significant injury, and/or any occupational disease.
- D. Apple Valley file the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
- E. Apple Valley shall keep a copy of the UOSHA report in their UOSHA File.
- F. Apple Valley shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.
- G. If an employee later dies as a result of work related injury, Apple Valley shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.